



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: SPK-2007-1147

Date: September 12, 2008

Comments Due: September 27, 2008

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District (Corps) is evaluating a proposal to establish the Van Vleck Ranch Mitigation Bank. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This bank proposal is being evaluated under Section 404 of the Clean Water Act for compensatory mitigation for losses of aquatic resources.

**APPLICANT:** Westervelt Ecological Services  
600 N. Market Blvd, Suite 3  
Sacramento, California 95835  
Attn: Hal Holland  
Telephone: (916) 646-3644

**LOCATION:** The approximately 775-acre bank site is located south of Rancho Murieta in Section 12, 13, and 14 of Township 7N, Range 8E, of the Carbondale, California 7.5 minute quadrangle (see the attached map and drawings) in eastern Sacramento County, California. The site is bounded approximately by Arkansas Creek on the north, Ione Road on the east, and agricultural land on the south and west.

**PROJECT DESCRIPTION:** The mitigation banker proposes to establish a wetlands, endangered species, and natural resources preserve in Sacramento County and make credits available for sale to third party permittees. The mitigation bank would consist of both existing and newly constructed vernal pools and swales similar to potentially impacted natural habitat in the region. Credits would be created through construction and preservation of wetlands and other habitat types. Credits would be used to offset authorized impacts to federally and state regulated wetlands and federally and state listed and proposed threatened or endangered species habitat in the "Service Areas" shown on the attached drawings. A total of 36.68 acres of waters of the United States currently exist on the site. These waters include vernal pools and depressional seasonal wetlands, seasonal swales, abandoned irrigation ditches, channels, ponds, and seeps. The mitigation banker has estimated that up to 16.24 acres of new wetlands and associated habitat would be created. Existing wetlands and sensitive habitat would be preserved. .

The entirety of the 775-acre mitigation bank will be preserved with an open space conservation easement. The mitigation site is proposed to be monitored and maintained according to the guidelines outlined in the applicant's proposed Van Vleck Ranch Mitigation Bank Management Plan and Bank Enabling Instrument (BEI) among the applicant, the Corps, and other Interagency Review Team (IRT) members, including the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, and the California Department of Fish and Game.

The creation component of the project is planned to begin in the late spring or early summer of 2009, and be completed within one construction season. Creation will include the construction of 248 vernal pools covering 16.24 acres. Pools will be designed and constructed to allow for pool ponding depths of three- to 14- inches, depending on topography and soil type, in order to mimic existing on-site conditions. Pool slopes will be constructed at an approximate 12:1 slope in low gradient areas and a 3:1 slope in high gradient locations. Upon completion of excavation activities, newly created vernal pools will be inoculated with soils and materials collected from existing vernal pools throughout the region in order to facilitate vegetation and vernal pool brachiopod establishment. Detailed construction plans will be submitted to the IRT for review and approval prior to initiating construction activities on the site. No Department of the Army permit will be required for the construction activities.

**ADDITIONAL INFORMATION:**

**Environmental Setting.** The mitigation banker has stated the bank site lies in an area ideally suited for vernal pool preservation and creation in Sacramento County; the South Sacramento Habitat Conservation Plan identifies the area in which the proposed bank is located as suitable for conservation. The 775-acre bank parcel is part of a larger property owned and operated by Van Vleck Ranching and Resources Corporation (VVRR), which holds fee-title to all parcels under its control. The property is currently maintained primarily for grazing. At present, upland vegetation throughout the bank property and surrounding area is dominated by non-native annual species, although several populations of native grasslands species such as purple needle grass and six-weeks fescue persist at various locations throughout the site. Approximately 36.68 total acres of jurisdictional waters of the United States exist within the proposed bank boundary. Of this, 7.98 acres have been classified as vernal pools, 13.10 acres as seasonal vernal pool swales, 0.08-acre as seasonal wetlands, 7.16 acres as lakes/ponds, 5.36 acres as channels, 0.58-acre as abandoned irrigation ditches, and 2.42 acres as seeps. Water depths in on-site vernal pools range from three to 12 inches during periods of high rainfall, presenting suitable conditions to support all life stages of the conservancy fairy shrimp, vernal pool tadpole shrimp, and the vernal pool fairy shrimp as well as providing potential habitat for the California tiger salamander.

**Alternatives.** The applicant has/has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act is not required for this project.

**HISTORIC PROPERTIES:** The applicant has initiated cultural resource surveys for the proposed bank property. Their assessment included information center and in-house records searches, historical agency and Native American contact, and a cultural resources field survey. The report was completed on July 2, 2007 and was submitted to the Corps as a component of the BEI. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

**ENDANGERED SPECIES:** Surveys for special-status species were conducted by the applicant in 2007 and 2008. Based on these surveys, one federally listed threatened or endangered species has been documented on site, and an additional three species may occur on the bank lands. The proposed activities may affect these species. Consultation with U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, has been initiated for this project.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice SPK-2007-1147 must be submitted to the office listed below on or before September 27, 2008.

Kathleen A. Dadey, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814 2922  
Email: @usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Kathleen A. Dadey, 916-577-7253, Kathleen.A.Dadey@usace.army.mil.

Attachments: 7 drawings